



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

Telephone: (216) 522-3715

Fax: (216) 522-2418

www.nlrb.gov

February 5, 2004

Shirley Goodpaster
65760 Norris Rd.
Lore City, OH 43755

Re: Mosser Glass
Case No. 8-RD-1968

Dear Ms. Goodpaster:

The above-captioned case, petitioning for an investigation and decertification of representative under Section 9 of the National Labor Relations Act has been carefully investigated and considered. As a result of that investigation, I am dismissing the petition, which is not subject to reinstatement. In reaching this conclusion I rely on the following:

Processing of this petition was administratively blocked because of a pending unfair labor practice charge filed by the United Steelworkers of America, AFL-CIO in Case No. 8-CA-34644. The charge alleges that the Employer violated Section 8(a)(5) and (1) of the Act by failing to provide the Union with information and unilaterally granting a wage increase. An administrative investigation of the charge was conducted, and I determined that, absent settlement, a complaint should issue alleging that the Employer violated Section 8(a)(5) and (1) of the Act by engaging in the above conduct. Subsequent to making the above determination, the Employer entered into an informal settlement agreement that required, among other things, that the Employer recognize and bargain with the Union.

Since the meritorious unfair labor practice allegations resulted in a settlement agreement pursuant to which the Employer was obligated to recognize and bargain with the Union, the instant petition, which challenges the Union's majority status and was filed subsequent to the alleged unlawful conduct, is dismissed without provision for reinstatement. See **Douglas-Randall, Inc., 320 NLRB 431 (1995); NLRB Casehandling Manual, Part Two, Representation Proceedings, Section 11733.21(a)(2).**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on February 17, 2004. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

Very truly yours,

Frederick J. Calatrello
Regional Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FJC:cjc

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

Mosser Glass
Attn: Tim Mosser
9279 Cadiz Rd.
Cambridge, OH 43725

USWA, Flint Glass, Industrial
Conference, Local No. 502
Attn: James Watts, Staff Rep.
1440 South Byrne Road
Toledo, OH 43614

United Steelworkers of America,
AFL-CIO-CLC
Attn: Paul Whitehead, General Counsel
Five Gateway Center, Room 807
Pittsburgh, PA 15222